

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

KIM L. NOVAK,

Plaintiff,

-vs-

PROGRESSIVE HALCYON
INSURANCE COMPANY (FORMALLY
HALCYON INSURANCE COMPANY),
PROGRESSIVE CASUALTY
INSURANCE COMPANY AND
PROGRESSIVE INSURANCE GROUP,
A/K/A PROGRESSIVE

Defendants

CIVIL ACTION NO. 04-0632

(Judge Kosik)

MEMORANDUM AND ORDER

The defense has filed a motion *in limine* to preclude evidence regarding the defendants' violations of the Pennsylvania Unfair Insurance Practices Act (UIPA) and the Pennsylvania Unfair Claims Settlement Practices Regulations (UCSPR). The motion has been briefed.

Without minimizing the effort of both counsel, we wish to note that in our Memorandum and Order of April 5, 2005 denying the cross-motions for summary judgment, we have already held that conduct consisting of violations of unfair insurance practices, although not per se evidence of bad faith, may be admissible in

a bad faith claim, especially if coupled with repeated conduct. We cited authority for such a conclusion.

Accordingly, the defense motion is **denied**.

SO ORDERED.

s/Edwin M. Kosik
United States District Judge

Date: June 8, 2005